

**Introduced by Senator Calderon**

February 19, 2010

---

An act to amend and repeal Section 653o of the Penal Code, relating to prohibited importation of dead animal parts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1345, as introduced, Calderon. Prohibited importation of dead animal parts.

Existing law, subject to exceptions, makes it an offense to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of specified animals. Existing law provides an exception to these provisions for kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act, and applicable international conventions, as specified, with the operation of the exception being contingent upon the Department of Fish and Game being annually informed by the Australian government of specified information pertaining to the commercial harvesting of kangaroos in Australia, as specified. Existing law provides that all of these provisions will be repealed on January 1, 2011.

This bill would remove the contingency from the provisions establishing the exception to the prohibitory provisions of the statute. The bill would also extend the operation of these provisions indefinitely.

By extending indefinitely the operation of this offense, this bill would impose a state-mandated local program.

Existing law, to be operative January 1, 2011, and subject to exceptions, makes it an offense to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the

dead body, or any part or product thereof, of specified animals, including kangaroos.

This bill would repeal those provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 653o of the Penal Code, as amended by  
2 Section 1 of Chapter 15 of the Statutes of 2009, is amended to  
3 read:

4 653o. (a) It is unlawful to import into this state for commercial  
5 purposes, to possess with intent to sell, or to sell within the state,  
6 the dead body, or any part or product thereof, of any polar bear,  
7 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*  
8 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,  
9 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or  
10 porpoise (*Delphinidae*), Spanish lynx, or elephant.

11 (b) (1) Commencing January 1, 2015, it shall be unlawful to  
12 import into this state for commercial purposes, to possess with  
13 intent to sell, or to sell within the state, the dead body, or any part  
14 or product thereof, of any crocodile or alligator.

15 (2) This subdivision shall not be construed to authorize the  
16 importation or sale of any alligator or crocodilian species, or any  
17 products thereof, that are listed as endangered under the federal  
18 Endangered Species Act, or to allow the importation or sale of any  
19 alligator or crocodilian species, or any products thereof, in violation  
20 of any federal law or any international treaty to which the United  
21 States is a party.

22 (c) ~~(1)~~ This section shall not apply to kangaroos that may be  
23 harvested lawfully under Australian national and state law, the  
24 federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et  
25 seq.), and applicable international conventions, ~~provided that the~~  
26 ~~Department of Fish and Game is annually informed by the~~  
27 ~~Australian government that the commercial harvest of kangaroos~~

1 in any future year will not exceed the official quota established  
2 for 2007 or the lawful take of kangaroos in each subsequent year,  
3 whichever is the lesser.

4 (2) If the department fails to receive the report described in  
5 paragraph (1), the department shall inform the Australian national  
6 government that future importation of kangaroos that otherwise  
7 may be harvested lawfully under Australian national and state law,  
8 the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531  
9 et seq.), and applicable international conventions shall be halted  
10 and their importation into this state for commercial purposes,  
11 possession with intent to sell, or sale within the state will be subject  
12 to the provisions of this section.

13 (d) Any person who violates any provision of this section is  
14 guilty of a misdemeanor and shall be subject to a fine of not less  
15 than one thousand dollars (\$1,000) and not to exceed five thousand  
16 dollars (\$5,000) or imprisonment in the county jail not to exceed  
17 six months, or both fine and imprisonment, for each violation.

18 (e) The prohibitions against importation for commercial  
19 purposes, possession with intent to sell, and sale of the species  
20 listed in this section are severable. A finding of the invalidity of  
21 any one or more prohibitions shall not affect the validity of any  
22 remaining prohibitions.

23 (f) This section shall remain in effect only until January 1, 2011,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2011, deletes or extends that date.

26 SEC. 2. Section 653o of the Penal Code, as amended by Section  
27 2 of Chapter 15 of the Statutes of 2009, is repealed.

28 653o. (a) It is unlawful to import into this state for commercial  
29 purposes, to possess with intent to sell, or to sell within the state,  
30 the dead body, or any part or product thereof, of any polar bear,  
31 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*  
32 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,  
33 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or  
34 porpoise (*Delphinidae*), Spanish lynx, or elephant.

35 (b) (1) Commencing January 1, 2015, it shall be unlawful to  
36 import into this state for commercial purposes, to possess with  
37 intent to sell, or to sell within the state, the dead body, or any part  
38 or product thereof, of any crocodile or alligator.

39 (2) This subdivision shall not be construed to authorize the  
40 importation or sale of any alligator or crocodilian species, or any

1 products thereof, that are listed as endangered under the federal  
2 Endangered Species Act, or to allow the importation or sale of any  
3 alligator or crocodilian species, or any products thereof, in violation  
4 of any federal law or any international treaty to which the United  
5 States is a party.

6 (e) ~~Any person who violates any provision of this section is~~  
7 ~~guilty of a misdemeanor and shall be subject to a fine of not less~~  
8 ~~than one thousand dollars (\$1,000) and not to exceed five thousand~~  
9 ~~dollars (\$5,000) or imprisonment in the county jail not to exceed~~  
10 ~~six months, or both the fine and imprisonment, for each violation.~~

11 (d) ~~The prohibitions against importation for commercial~~  
12 ~~purposes, possession with intent to sell, and sale of the species~~  
13 ~~listed in this section are severable. A finding of the invalidity of~~  
14 ~~any one or more prohibitions shall not affect the validity of any~~  
15 ~~remaining prohibitions.~~

16 (e) ~~This section shall become operative on January 1, 2011.~~

17 SEC. 3. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.